

[J. Gallagher presented at May 13, 2014 Planning Board Mtg in re  
MacQuinn ]

## Site Review 1

I would like to begin by reading a letter to the  
Planning Board to be part of the public hearing that was  
held on January 8, 2013

### **READ LETTER**

Prof. Harold Borns is one of the world's leading  
experts, if not the leading expert, in glacial geology,  
particularly of Maine. It is the knowledge of glacial  
geology that provided the basis for the expert testimony  
that has been given to this committee concerning this  
application for the Kittredge Pit Expansion and destruction  
of Cousin's Hill (sometimes known as Miro's Hill)

Prof. Borns' letter raises several issues in this first site review standard. This standard requires that:

“Environmentally sensitive areas such as aquifers, significant wildlife habitat, wetlands, steep slopes, flood plains, historic buildings and sites, existing and potential archeological sites and unique natural features will be maintained and preserved to the maximum extent.”

1. Prof Borns points out that Lamoine “was blessed” with a glacial esker that had generated a superb sand and gravel aquifer. In spite of a 1983, report, written by Robert Gerber, recommending protecting this water resource, extensive mining of sand and gravel was allowed until today there is only one large portion of the esker left and the part of the aquifer that benefits from the glacial geology of that esker – Cousin's Hill. To allow the expansion of the Kittredge Pit would destroy what remains of this geological

process and unalterably change what remains of the nature of the glacial aquifer.

When I asked Michael Deyling and Robert Gerber, at the public hearing concerning Mr. Gerber's report, what effect the pit development would have on the still glacial part of the aquifer, Mr. Deyling said that there might be some change in the depth of the aquifer and Mr. Gerber, after a bit of silence, said there might be a change in the mineral content of the aquifer. Neither addressed my question (and another from the audience) "what effect will changing the basic geological processes of this part of the esker have on the aquifer." Dr. Borns letter is clear that the damage to the remaining glacial aquifer would be irreversible. A similar conclusion follows from the testimony given at this hearing and the earlier hearing held on January 8, 2013, particularly that of Prof. Brutsaert.

Let me be very clear, gravel pit excavations have unalterably changed the nature of the aquifer. With the exception of the remaining part of the esker that is Cousin's Hill, the present aquifer no longer benefits from the glacial processes that began millennia ago. Destroying the remaining esker would finally eradicate our glacially produced aquifer

2. Removing a significant portion of Cousin's hill would be to destroy the last significant portion of "the very prominent esker deposited by the last glacier along the axis of the Lamoine Peninsula" that had "blessed" Lamoine. I would remind the committee of the photographs of this destruction showed by Prof. Brutsaert at the public hearing about the Gerber report. The importance of this last remaining part of the esker goes deeper. In his letter Dr. Borns identifies the historical importance of this particular

part of the Esker. That part is identified in **Maine's Ice Age Trail – Down East** as a “Wave-cut Bluff” and an important part in understanding the glacial heritage of Maine. **Maine's Ice Age Trail** is a publication of The Climate Change Institute of the University of Maine. The significant glacial geology expertise of the Institute is internationally respected. Prof. Borns is a founding member of the Institute.

Given the above it is clear that Cousin's Hill is “a unique natural feature – all that remains of much larger unique natural feature. Any further disruption of the Hill would alter its worth as such a feature. The proposal to expand the Kittredge pit would complete the destruction of this feature whose history stretches back for millennia

As I consider the above points, it is clear to me that there is a very high probability that this application cannot

meet Review Standard 1 of the site review ordinance. It is also clear to me that if we were to approve this application, the price the town of Lamoine would pay, on several dimensions, would be astronomical. I cannot cast a positive vote on this portion of our review.

## Gravel Permit Review Criterion 1 – Unhealthful Conditions

I need to say something about what I bring to the following discussions- **particularly given what counselor Bearor has raised in his memo discussed at the start of this meeting.**

I bring to these discussions a Ph.D. in sociology and over 30 years of teaching, research and thinking in areas that include, among others, the functioning of social systems, community, the examination of health and welfare and the distribution of power, the sociology of art and aesthetics and what has been for me the central issue of the dialectic relationship between an individual's self definition and the social structure, the community, of which she/he is a part. What follows is how I understand the issues being discussed and has no connection to those publications referred to by Mr. Bearor.

One of the first things that I learned about my, then, new role as planning board member was the fundamental purpose of the very thick book of ordinances for our town. The purpose of each set of ordinances shares the same fundamental spirit – the Gravel Extraction Ordinance is a good example. “The purpose of this ordinance is to define and regulate the excavation, extraction, processing, storage and transportation of sand, gravel, crushed stone, soil and loam in the town of Lamoine **in order to protect the public health, safety and welfare and to conserve the natural beauty of the town.**” Here I am primarily addressing the first review criteria.

In both the purpose statement and this criteria statement the term *health* is key but is not defined. My understanding of that term, very much like that of The World Health Organization, is “*Health is a state of*



*complete physical, mental and social well-being and not merely the absence of disease or infirmity.”*

As one reads the ordinances it is clear that Lamoine is more than a location on the map. It is a community. By that I mean it is a fairly complex social system – a system of myriad interactions that is characterized by the members of the community having a sense of membership – of belonging. For many of the members, if not most, that sense of community is an important part of their self - definition, their sense of who they are. It is part of the very understanding of their reality. Therefore what happens in and to the community happens to and affects them. Which is exactly why we are on this Planning Board and why most of those in attendance are here. The excavation of Cousin’s Hill would have a profound effect

on the community and, therefore on the health of many if not most members of the community.

I can outline what I believe would be those effects by talking about what I saw, heard and felt at the Public Hearing for permitting this pit – January 8, 2013 and several external submissions. In this discussion I will raise some issues that will appear a bit later and will be dealt with then. In this discussion I want to focus on the potential health effects of the excavation. One of the more indicative arguments was, as several people argued, that the property values in the town would be lowered – and not just for the neighbors of the extended pit, but for the town as a whole. This fear that the value of the town would be lowered was echoed many times. One person summed it up nicely by saying that he could expect increasing reactions to his being from Lamoine by the disdainful

reaction: “Oh, Lamoine – the gravel pit town.” In support of this argument one attendee submitted a letter by an area real estate agent clearly predicting that the property values in the entire town would be reduced. Similar points were made by several external submissions.

I heard a parallel argument with the several comments about the destruction of Cousin’s Hill. I’ll develop another implication of this in a moment, but I heard the argument that the very destruction of the hill would significantly devalue the community – for both members and outsiders. “Can you imagine what they’ll think of us when they see what happens to the hill.” I need to make a point here. I am not directly quoting people at the meeting, but trying to give the essence of what I heard.

What I am trying to say is that what I heard and felt was a good deal of fear that, for many of the people there,

the value of their community would be in danger of attack and it's value would be lowered. Given the connection between self and being part of this community, they themselves felt the threat of being attacked and diminished. They felt that the overall worth, the value of the community as a place to live and grow would be in grave danger and, therefore they themselves would be diminished. **And that is a severe threat to the health of those having those fears.**

There is one more threat to the health of the community and that is the direct effect of the destruction of the hill. Cousin's Hill has always been there for the members of the Lamoine community – even for those who were born here it's always been there. In fact the hill and the esker for which it is a part, have been there for millennia. For those here now it is a fundamental part of

the aesthetic structure of Lamoine. Aesthetics, often defined as “the science of the sensible” deals with that part of the world we can sense - see, hear, feel and how we understand how that world’s physical form fits together and is meaningful. As was pointed out several times at the hearing and in several of the external submissions, the hill is a fundamental part of the environment. It is a fundamental part of the “rightness” of the visible structure of the environment. Its destruction would be an attack on the community’s sense of “rightness”. Even worse would be that the aesthetic essence of the hill would disappear into a pit of ugliness. That last phrase is mine.

I am now faced with the issue of deciding whether to vote yes or no as to whether this application meets the Review Criteria 1 of the Gravel Extraction Ordinance. The caveat here is that I need to be correct about the fears and

apprehensions of the Lamoine community and the effect of those fears on the health of the community. The major sources of data I have are the responses to the public hearing of January 8, 2013 and the several written submissions. All these are part of the public record. I am confident that my analysis of the effects of pit is correct. That analysis, however, also depends upon the idea that the data I have are reflective of the larger community. The question is: are those who spoke to the issues of the pit correct in their fears of the environmental impact of the pit; e.g. property devaluation, loss of the physical presence of Cousin's Hill, etc. And are they correct about the effect of those fears on their perceived reality.

My sources of data are limited to the public hearing and external submissions. What are missing are responses to any of these issues by the applicant. I believe it is

incumbent on the applicant to respond once issues are raised, but such is not the case. A Planning Board meeting was called on February 5, 2013 (the first after the public hearing) “as per discussions with the applicant and the Board at the last meeting, this meeting was a) to give the applicant a full opportunity to present the applications in light of issues raised at the public hearing and previous discussions; and b) for the Planning Board to ask questions and make comments related to members’ understanding of, and concerns about, the applications.” (Minutes of Planning Board meeting, February 5, 2013). The minutes of the planning board reveal that the applicant chose to address none of these issues – the hydrological issues were the primary focus of their response. The minutes then say: “Gallagher remarked on the many members of the public who had expressed concern about how the proposed

operations would permanently affect the quality of life and environment in Lamoine (his term was ‘create destruction’ in the community). He posed a question to P. MacQuinn regarding his rationale for presenting a proposal that provoked such concerns.” With a statement that indicated those questions raised by the public hearing attendees and those submitted externally were of little interest to him: “Mr. MacQuinn stated that the operations were within the legal parameters of Lamoine’s ordinances and that they would bring employment to people and security to his company.” (Minutes of Planning Board meeting, February 5, 2013). This lack of response and absence of data, countervailing or otherwise, will arise several more times with other review criteria. But the point is that given opportunity, even when directly asked, the applicant



provided no data whatever, Therefore, I assume that there is a very high probability that my argument is correct.

Given the high probability that majority of the public - hearing testimony and the majority of the external submissions are correct and given no countervailing testimony by the applicant and given the probability that I am correct in my analysis of the effect of these on the health of the community is correct, and given the devastating costs the community would suffer if the pit were to be permitted, I cannot vote yes for it on this review criterion.

## Gravel Permit Criteria 4 Natural Beauty

The defining of “natural beauty” is a very old problem fraught with relativistic issues. The first discussion I know of was an essay by Michele de Montaigne in the latter half of the 16<sup>th</sup> century who said “beauty” was a matter of definition by the observer and sprang from the observer’s “culture.” In my world this is now known as “the social construction of reality” argument. It means that “beauty” is a highly relativistic idea and one that is quite literally constructed by the culture or social system. While this could be a relativistic dark hole, it also suggests an important way to deal with this ordinance. By dealing with the social construct of beauty, we can deal with its aesthetic characteristics and how those characteristics are important to the community. Ultimately

we can ask the question “are the aesthetic aspects important enough to the community that the object should be retained.” In this case the question is what are the aesthetic characteristics of Cousin’s Hill and are they important enough to the community that the gravel extraction process should not destroy the hill.

Let me give a specific example of this question and then apply what comes out of that to the issue of Cousin’s Hill. Some years ago I spent the summer on a solo trip across North America. I traveled across Canada and returned across the United States, camping or living in my pick-up most of the way. (My friends called this Gallagher’s Chautauqua). During the first part of my trip I drove through the Sudbury, Canada area. The region is dominated by the Nickel processing industry – mining, smelting and distribution. I crossed the section that was

totally covered by the dross of industry. It was a moonscape of black wave after black wave of a metallic substance that was, for me, the ugliest and most alienating reality I had ever experienced.

As I left the Sudbury area I was reminded of conversation I had had Several years earlier, when I was on the Sociology faculty of The University of Waterloo in Ontario, I was having a pint with a friend, who was connected to the Computer Faculty at Waterloo. In our discussion, admittedly helped on by the pint and a bit of Tullamore Dew, he talked about the dross field of Sudbury as one of the most beautiful things he has ever encountered. He grew up in Sudbury and had worked his way through the local university by being employed in both the mines and the smelting operation. He was not alone in his feelings. Many of the men he worked or grew up with also

view those fields as beautiful – the same fields I would later see as ugly and alien.

The point of this is that we must understand Cousin's hill in terms of its aesthetic essence and the importance of that essence to the community. Since I have talked about that relationship in the earlier discussion of Review Criterion 1, permit me to quote my own words: "As was pointed out several times at the hearing and in several of the external submissions, the hill is a fundamental part of the environment. It is a fundamental part of the "rightness" of the visible structure of the environment. Its destruction would be an attack on the community's sense of health. Even worse would be that the aesthetic essence of the hill, so important to the community, would disappear into a pit of ugliness."

## Gravel Permit Review Criterion 5 – Public Ways

The application provides no significant information on the problem of assuring the safety of the community because of the truck traffic in and out of the various entrances to the pit expansion; in fact it is virtually non-existent. I came to realize the importance of the issue as I watched a MacQuinn truck emerge from a gravel pit onto Route 1 directly across from the intersection of Mud Creek Rd. I have seen this many times. The truck drivers are invariably courteous, and drive in the safest possible fashion. Their job is made possible because there is a breakdown lane on their side of Route 1 that they can use to emerge from the pit. They always do so slowly, carefully and safely. The problem is there would be no such lane available for each

of the entrances of the proposed pit. The possibility of a significant safety event is, I believe, very high.

The only information I have from the applicant is the response to my question concerning the situation very early in the application process. Mr. Salisbury's response was that I really had no need for concern because there will always be a very low volume of traffic in and out of the pit. I found the response disingenuous at the time and still do. I find I cannot support a positive finding on this criterion

## Gravel Permit Review Criterion 6 Surrounding Properties

In this criterion the Planning Board is required to be sure that the requested pit “will not adversely affect surrounding properties.” As with previous criteria the only data available to me are the testimony of the large majority of people who attended the public hearing and a number of external submissions. Several times we heard and read about the certainty that the pit would generate a good deal of uncomfortable noise, dangerously dusty roads and safety hazards caused by the increased truck traffic the new pit would generate. One of the most severe affects on property that was predicted was the significant lowering of property values. Several people argued that the lowering of property values would not be limited to the immediate neighbors of



the pit, but to the whole town. As I noted before, there was even a letter by an area real estate agent to that effect.

As with other review criteria, the database for assessing this criterion is limited – limited to the testimony and the external submissions. The applicant had ample opportunity to respond to this testimony, but chose not to. Actually, there was one minor comment by Michael Jordan, the CEO, that the state had developed noise level regulations but Lamoine had never enforced them because of the difficulty and unreliability of the measurement.

Therefore given the high probability that the majority of the public-hearing testimony and the majority of the external submissions are correct and given no countervailing testimony by the applicant I cannot support a positive finding on Review Criteria 6

